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SLR:EAB:BGK
F. # 2003R01382

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

PRELIMINARY ORDER OF
FORFEITURE

- against -

CR-03-1368 (ARR)

GARY LALL,
also known as "Indian,"

Defendant.

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WHEREAS, in the above-captioned Superseding Indictment, the United States of America sought forfeiture pursuant to Title 21, United States Code, Section 853, which requires any persons convicted of a violation of Title 21, United States Code, Section 963, Title 21, United States Code, Section 846 and/or Sections 841(b)(1)(A)(ii)(II) or 841(b)(1)(C), to forfeit any property constituting, or derived from, proceeds obtained, directly or indirectly, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such offenses; and

WHEREAS, on June 10, 2005, a jury convicted the defendant, GARY LALL, of all counts alleged in the Superseding Indictment; and

WHEREAS, on or about June 13, 2005, the jury found that the \$26,708.00 United States currency recovered from the premises and real property located at 31-09 Healy Avenue, Far Rockaway, New York, was subject to forfeiture by the defendant.

NOW, THEREFORE, it is HEREBY ORDERED, ADJUDGED and DECREED AS FOLLOWS:

1. Pursuant to 21 U.S.C. § 853, and Rule 32.2 of the Federal Rules of Criminal Procedure, the defendant, GARY LALL, shall forfeit to the United States all of his right, title and interest in the \$26,708.00 United States currency recovered from the premises and real property located at 31-09 Healy Avenue, Far Rockaway, New York (the "Forfeited Funds").

2. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the defendant, GARY LALL, at the time of his sentencing and shall be made part of the sentence and included in the judgment.

3. Upon entry of this Order, the United States Attorney General, or his designee, is authorized to seize the Forfeited Funds and to use all means necessary to safeguard the Forfeited Funds pending the entry of a Final Order of Forfeiture.

4. Upon the entry of this Order, the United States Attorney General or designee is authorized to conduct any proper discovery in accordance with Fed. R. Crim. P. 32.2(b)(3), and to commence any applicable proceeding to comply with statutes governing third-party rights, including giving notice of this Order.

5. The United States shall publish notice of this Order and its intent to dispose of the Forfeited Funds in such a manner as the United States Attorney General, or designee, may direct.

6. The United States may also, to the extent practicable, provide direct written notice to any person known to have an alleged interest in any assets identified and/or seized in accordance with Fed. R. Crim. P. 32.2(e)(1) as a substitute for publishing notice as to those persons so identified.

7. Any person, other than the Defendant, asserting a legal interest in the Forfeited Funds must within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier, petition the Court for a hearing, without a jury, to adjudicate the validity of his alleged interest in the Forfeited Funds, and for an amendment to this order, pursuant to Fed. R. Crim. P. 32.2(c)(2).

8. Any petition filed by a third-party asserting an interest in the Forfeited Funds shall (i) be signed by the petitioner upon penalty of perjury; (ii) set forth the nature and extent of the petitioner's right, title or interest in the Forfeited Funds; and (iii) any additional facts supporting the petitioner's claim and relief sought.

9. At the expiration of the period provided by statute, or, in the event any third-party files a timely claim, upon adjudication of all third-party interests, the Court will enter a Final Order of Forfeiture in which all interests will be addressed.

10. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

11. The Clerk of the Court shall forward six (6) certified copies of this Order to Assistant U.S. Attorney Brendan G. King, U.S. Attorney's Office, Eastern District of New York, One Pierrepont Plaza, 16th Floor, Brooklyn, New York 11201.

Dated: Brooklyn, New York
June 22, 2005

~~HONORABLE ALLYNE R. ROSS~~
UNITED STATES DISTRICT JUDGE